

**AN ORDINANCE
BY CITY UTILITIES COMMITTEE**

05-0-1127

AN ORDINANCE TO AMEND ARTICLE IX OF CHAPTER 74 OF THE CODE OF ORDINANCES - POST-DEVELOPMENT STORM WATER MANAGEMENT FOR NEW DEVELOPMENT AND REDEVELOPMENT – (ORDINANCE 04-O-0327) IN ORDER TO CLARIFY THE INTENT AND THE APPLICABILITY; AND FOR OTHER PURPOSES.

WHEREAS, the City Council adopted Article IX of Chapter 74 of the Code of Ordinances- Post-Development Storm Water Management for New Development and Redevelopment, on September 7, 2004, the Mayor approved on September 15, 2004, and per the ordinance became effective on November 15, 2004; and

WHEREAS, an intent of the Article was to mitigate historically increased storm water discharge by reducing the allowable release from new development and/or redeveloped properties; and

WHEREAS, in applying the requirements of the Article to proposed building permits under review, issues have arisen as to the intent and applicability of certain activities to the requirements mandated; and

WHEREAS, in certain cases in which minor changes to a building or site are proposed, the Article would require expensive and complex storm water management solutions which are disproportionate to the proposed project.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1: Article IX, Section 74-504. Applicability, be deleted in its entirety and replaced with an amended Section 74-504, Applicability, which reads as follows:

- a) This ordinance shall be applicable to land development and redevelopment as identified below, including, but not limited to, building permit applications requiring site development review, subdivision applications, and other applications involving land disturbing activities, unless exempt pursuant to Section 74-504 (c). These standards apply to any new development or redevelopment site that meets one or more of the following criteria:
 - 1) New development that involves the creation of any impervious cover;
 - 2) New development that involves land development activities of one (1) disturbed acre or more;

- 3) Redevelopment that includes the creation, addition, or demolition and replacement of any impervious cover;
 - 4) Redevelopment that involves land development activity of one (1) disturbed acre or more;
 - 5) Any new development or redevelopment, regardless of size, that meets the definition of a hotspot land use; or
 - 6) Land development activities that are smaller than the minimum applicability criteria set forth in Section 74-504 (c), if such activities are part of a larger common plan of development, even though multiple, separate and distinct land development activities may take place at different times on different schedules.
- b) Compliance with Section 74-502 (b) (2) that limits the peak rate of discharge to not more than seventy per cent (70%) of the pre-developed peak rate of discharge from the property shall be applied as follows:
- 1) For new development or redevelopment, the discharge rate limitation shall be applied to the area of the site impacted by the proposed work, provided that the impacted area does not exceed 35% of the total parcel;
 - 2) For new development or redevelopment in which the area of the site impacted by the work exceeds 35% of the total parcel area, the discharge rate limitation shall be applied to the total parcel area; or
 - 3) For a subdivision of land, whether in an undeveloped or redeveloped condition, the discharge rate limitation shall be applied to the total parcel(s) area.
- c) The following activities are exempted from this ordinance:
- 1) Construction of single-family or duplex residential structures in which the proposed work results in less than one (1) disturbed acre or less than 5000 square feet of impervious cover;
 - 2) Additions or modifications to existing single-family or duplex residential structures in which the proposed work results in less than one (1) disturbed acre or less than 5000 square feet of total area of existing and new impervious cover;
 - 3) Agricultural or silvicultural land management activities within properly zoned areas;
 - 4) Installations, repairs, or modifications to storm drains, drainage structures, storm water management facilities, or other drainage facilities to improve drainage capabilities;
 - 5) Installations, repairs, or modifications to sanitary sewer facilities to expand or improve sanitary sewer service capabilities;
 - 6) Installations of dumpster pads with drains connected to sanitary sewers;
 - 7) Installations or modifications to existing structures to accommodate Americans with Disability Act (ADA) requirements such as elevator shafts, handicapped access ramps, enlarged entrances or exits, et cetera.;
 - 8) Installations or modifications to existing structures to address health and safety issues or compliance with City of Atlanta Code requirements such as fire escapes, stairways, additional exits, et cetera.;

- 9) Installations to existing structures of incidental mechanical or electrical equipment placed on areas of previously existing impervious surfaces;
 - 10) Overlays or resurfacing of existing impervious paved surfaces;
 - 11) Any work permitted in the public rights of way such as the installations of sidewalks, driveway aprons, street cuts, et cetera; or
 - 12) Any minor work which in the professional judgment of the Commissioner of the Department of Watershed Management is deemed in the best interest of the City.
- d) For development activities involving the construction of individual homes which are otherwise exempt from this ordinance, lots shall be graded to ensure that storm water exiting individual lots under post-developed conditions does not adversely impact the adjacent lots as a result of concentrated flows, flooding, erosion, or deposits of silt or sediment.

SECTION 2: That all ordinances and parts of ordinances in conflict herewith be waived to the extent of the conflict

*Amending the Post-Development Storm Water Management Ordinance
For New Development & Redevelopment
Legislative White Paper*

Committee of Purview: City Utilities Committee

Caption

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Council Meeting Date: July 5, 2005 (First Read)

Legislation Title: **Amending the Post-Development Storm Water Management Ordinance for New Development and Redevelopment**

Requesting Dept.: **Department of Watershed Management**

Contract Type: N/A

Source Selection: N/A

Bids/Proposals Due: N/A

Invitations Issued: N/A

Number of Bids N/A

Proposals Received: N/A

Bidders/Proponents: N/A

Justification Statement:

- The proposed amendment serves to clarify the intent and applicability of the ordinance; and to assure that redevelopment would contribute to improved storm water management within the City proportionate to the area of improvement, maintaining the win-win for economic development and the environment.

Background:

- City Council adopted Article IX of Chapter 74 of the Code of Ordinances (Post-Development Storm Water Management for New Development and Redevelopment) on 9/7/04 and the Mayor approved 9/15/04; and per the ordinance became effective 60 days later -- 11/15/04.
- Applies to commercial, multi-family residential, and subdivisions – single family and duplex residential are exempt.
- Prior to adoption of Article IX, the post-development peak rate of storm water discharge could not exceed the pre-development peak rate -- i.e. did not make the problem worse, but did not offer improvement.
- Adoption of Article IX limited the post-development peak rate of storm water discharge to 70% of the pre-development peak rate – i.e. new development and redevelopment would contribute to improved storm water management within the City, offering a win-win for economic development and the environment.
- In applying the new ordinance to proposed building permits (site development reviews under DWM), it has become evident that minor changes to an already developed property are requiring expensive and complex engineering solutions to detain large volumes of storm water runoff which are disproportionate to the proposed project – i.e. the ordinance requires reduction of the peak rate of storm water discharge for the entire property for even minor improvements (small building additions and minor exterior improvements). The cost to reduce the rate of storm water discharge becomes disproportionate to the value of the improvement -- thus becomes a disincentive to economic redevelopment.
- The proposed amendment would apply the 70% limit of post-development peak rate of storm water runoff only to the area of improved redevelopment, when the impacted area does not equal or exceed 35% of the total parcel (minor redevelopment), and would apply to the total parcel when the impacted area equals or exceeds 35% (major redevelopment). The cost to reduce the rate of discharge will remain proportionate to the value of the improvement – achieving the original intent of a win-win for economic development and the environment.

Fund Account Center: N/A

Source of Funds: N/A

Fiscal Impact: None

Term of Contract: N/A

Method of Cost Recovery: N/A

Approvals:

DOL:

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